REMARKS/ARGUMENTS

The Applicant respectfully traverses the final rejection for the reasons discussed in detail below. Among other things, the rejection is improper because Lamkin (U.S. Publ. No. 2006/0159109) is not prior art. The Applicant's priority date is earlier than the Lamkin reference, and the Examiner has erroneously treated Lamkin as prior art on the basis of Lamkin claiming priority to an earlier-filed provisional application. However, the Lamkin provisional application does not contain the teachings upon which the Examiner relies to support the rejection, and those teachings were first introduced in Lamkin's nonprovisional application filed after the Applicant's priority date. Nor does the Lamkin provisional application provide an independent basis to support the rejection, whether viewed singly or in combination with any other cited reference.

Furthermore, the cited Lamkin / Lissar combination does not teach or suggest all of the elements of the pending claims, and the Examiner has not established a prima facie case of obviousness.

Reconsideration is respectfully requested prior to appeal. All pending claims should either be immediately allowed or the finality of the action should be withdrawn.

1.   Rejection of Claims 1-10 and 17-28 under 35 U.S.C. § 103(a).

Claims 1-10 and 17-28 were rejected for obviousness under 35 U.S.C. § 103(a) based on the combined teachings of Lamkin (U.S. Publ. No. 2006/0159109) and Lissar (U.S. Pat. No. 7,225,197).

(a) Claim 1. The Examiner asserts that the Lamkin / Lissar combination teaches all of the elements of independent Claim 1. That conclusion is not correct.

The grounds for rejection are seriously flawed in that the Examiner relies on the teachings of the **non-prior art** Lamkin reference (US Pub. No. 2006/0159109) solely because it claims priority to an earlier-filed provisional application, serial number 60/531,565. **However, the earlier-filed Lamkin provisional application does not contain the teachings of the later-filed Lamkin reference that the Examiner**

requires to support the rejection. The Applicant has previously brought this error to the attention of the Examiner, yet, in the "*response to arguments*" section of the instant Office Action, the Examiner continues to assert the Lamkin reference as prior art. The Lamkin reference is simply not prior art that can be cited by the Examiner against the instant application because the instant application has an earlier effective priority date.

A.   The Lamkin / Lissar Combination Does Not Teach "receiving new content ...submitted by a user"

With regard to the Applicant's claim element of "*receiving new content for which no record exists, associated with a request submitted by a user*", the Examiner cites paragraph [0069] of Lamkin (publ. app. 2006/0159109), **which is not prior art**. The subject matter of paragraph [0069] of Lamkin publ. app. 2006/0159109 cannot be used as prior art because **paragraph [0069] is new matter introduced by Lamkin after the Applicant's priority date** and was not taught or enabled by Lamkin provisional application serial number 60/531,565. **The Applicant's effective filing date**, while being after Lamkin's provisional application serial number 60/531,565, **is prior to the filing date of Lamkin publ. app. 2006/0159109 where the subject matter of paragraph [0069] was introduced for the first time**.

The Examiner attempts to address this serious flaw in the grounds for rejection by referring to page 13, 1st paragraph of the Lamkin provisional application serial number 60/531,565, which is duplicated below:

> *In accordance with another embodiment of the present invention a search engine is provided that searches for entities and collections at located within different trust levels. In one embodiment, the results of the search are based upon at least one of the trust level the entity is located at and metadata associated with the entity. A user may also base the search results upon a user profile or a specified request.*

The Examiner cites the foregoing general statement found in Lamkin's provisional application as teaching "*wherein the search (i.e. request) within the search*

engine is clearly performed by a user". However, that statement is NOT the language of paragraph [0069] of the later-filed (i.e., non-prior art) Lamkin application relied upon by the Examiner to support the rejection. Further, it is not difficult to see that the phrase *"wherein the search (i.e. request) within the search engine is clearly performed by a user"* does not even come close to the limitation "*receiving new content for which no record exists, associated with a request submitted by a user"* recited in the Applicant's Claim 1.

In fact, looking closer at page 13, 1st paragraph of Lamkin provisional application serial number 60/531,565, we see that it teaches just the opposite of what the Examiner needs it to teach in order to rely on that provisional application as prior art.

More specifically, that section of the Lamkin provisional application teaches that the user "*searches for entities and collections*" (in which entities are records containing content); it does NOT teach the user supplying this content. This is not surprising since the "*trust levels*" taught by Lamkin are associated with the user making payments for obtaining content, as explained at page 59, lines 19-23 of the same Lamkin provisional application; namely: "*Create a services model for a trusted entity. This trusted entity could charge customers for entities. This allows for a user billing model for paying for content. This could be on a per use basis, a purchase for unlimited usages etc.*" (emphasis added).

In defining services for Entities and Collections, the same Lamkin provisional application states at page 94, lines 4-6: "*1. Collection Name Service & Entity Name Service - creating a hierarchical structure across the WAN allowing for distributed searches, acquisition & management"* (emphasis added). The Lamkin provisional application clearly shows that the entities and collections are records within a hierarchical database structure, whose records can be searched by the user - **they are not records submitted by the user**.

Additionally, the Examiner refers to page 42, 1st and 2nd paragraphs of Lamkin provisional application serial number 60/531,565 as teaching "*receiving new content*

within a request submitted by a user" per the Applicant's Claims. Again, the Examiner

has misinterpreted / misapplied the Lamkin provisional application. That language from

Lamkin's provisional application is repeated below:

> *There may be various types of entities within a collection and the content manager determines which version to playback based on rules and criteria. The rules or criteria can include: a Rating (e.g., G, PG, PG-13, R), a display device format (e.g., 16:9, 320x240 screen size), bit rates for transferring streaming content, and input devices available (e.g., it does not make sense to show interactive content that requires a mouse when only a TV remote control is available to the user).*
>
> *The content manager provides graceful degradation of the entities and the playback of the collection. The content manager uses the collection name service module to request new content for playback. The content manager coordinates all of the rules and search criteria used to find new content. Additionally, the content manager is able to build up collections from various entities that meet the criteria as well. In one embodiment, the content manager applies a fuzzy logic to determine which entities to include in a collection and how they should be displayed on the screen as well as the playback order of the entities. The content manager also delivers to the Presentation Layout manager the information to display the entities on the screen and controls the positioning, layers, overlays, and overall output of the presentation layout manager.*

Although the above portion of the Lamkin provisional application contains the

phrase "new content", it is abundantly evident from the context that Lamkin is discussing

content being obtained in response to the search, content for which there must be a

record already in the database because that record is being searched by the content

manager, and the content is only "new" in the sense of not having been previously

retrieved from the database by the user.

It can be seen from the text that the content manager described in Lamkin's

provisional application performs the search "*within a collection*", and the collection

manager "*coordinates all of the rules and search criteria used to find new content*". This

makes it explicit that the "*new content*" is that which satisfies the "*rules and search*

criteria" of the search of a known collection. This content is thus only "new" in the sense

that it satisfies the search criterion of the user. It should also not be forgotten that a

search of a collection is performed in response to searching fields (in this case Metadata fields), which of course requires that a record exists for that content item. Page 67 of the Lamkin provisional application shows the hierarchical levels of metadata fields which comprise a collection, such as disclosing "*title entity*", "*text entity*", "*trailer entity*", "*preview entity*" and so forth as also shown in FIG. 17 of that reference.

However, as described above, the "*entities*" are records of content contained on the system database, **and not content being supplied by the user**. Why, in the system described in Lamkin's provisional application, would a user supply the content that he/she is requesting to find via a search of known content databases? They would not - it would make no sense whatsoever to do so, and Lamkin's provisional application does not teach doing so. The Applicant submits that the Examiner's misreading / misapplication of Lamkin's provisional application arises because the Examiner has not properly considered the entirety of the Applicant's claim language. It is well established, however, that all of the words of a claim element must be considered in positing a rejection. The fact that Lamkin's provisional application contains the phrase "*new content*" does not in itself provide support for the rejection. It will be noted that Applicant is not seeking to protect any system which somehow uses any form of "*new content*", but instead, Claim 1 recites a specific methodology with many interrelated elements specified in the claim.

The Examiner further refers to page 58, 1st paragraph of the Lamkin provisional 60/531,565 to support Examiner's contention that Lamkin discloses "*receiving new content within a request submitted by a user*". Once again, the Examiner has misinterpreted / misapplied the Lamkin provisional application. That language is repeated below:

> *New Content Acquisition Agent (NCAA) - the new content acquisition agent acts as a broker on behalf of a specific user to acquire new content collections and the associated access rights for those collections. This may involve an e-commerce transaction. It uses the Content Search Engine and a Content Filter to locate and identify the content collection desired and negotiates the access rights through the Access Rights Manager. Content filter is not part of*

the playback engine but instead part of the content manager and the New Content Acquisition Agent.

Again, we see from the above that the Lamkin provisional application is describing the obtaining of content <u>based on searching known content records</u>. The content is clearly NOT NEW since it is capable of being searched, and in fact there are even access rights to that known content. The content is "known" since there exists a content record. <u>The content is only "new" in regard to the text of Lamkin because that particular user has not yet obtained that particular item of content in their collection.</u> **Lamkin's provisional application DOES NOT teach content *"for which no record exists, associated with a request submitted by the user"* as recited in the Applicant's Claim 1**.

Therefore, it is quite clear that the Examiner has misinterpreted / misapplied the Lamkin provisional application, and that the Lamkin provisional application does not support the Examiner's original assertion that Lamkin teaches "*receiving new content within a request submitted by a user*".

Furthermore, nothing is advanced by the Examiner in the rejection that the Lissar reference or its combination with Lamkin teaches the foregoing element of the Applicant's Claim 1. And, further, the Lamkin and Lissar references, whether considered separately or in combination with one another and what is known in the art, do not teach this element of Claim 1. The Examiner has clearly failed to establish *prima facie* obviousness.

Clearly, the Lamkin / Lissar combination does not meet the limitation *"receiving new content submitted by a user, for which no record exists, associated with a request submitted by the user"* found in the Applicant's Claim 1. Accordingly, the rejection must be withdrawn.

B.   The Lamkin / Lissar Combination Does Not Teach "reviewing said new content …and comparing"

The Examiner asserts that the second element of Claim 1 that recites *"reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content"*, is taught at page 5, 3rd paragraph of the Lamkin provisional 60/531,565, which reads.

> *The present invention advantageously addresses the needs mentioned previously as well as other needs by providing services that facilitates the access and use of related or updated content to provide augmented or improved content with playback of content.*

The Examiner asserts that the above language teaches *"providing services that facilitate the access and use of related content to provide improved content"*.

The Applicant fails to see how the cited language from Lamkin's provisional application equates to a teaching of *"reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content"*. In fact, the Examiner's conclusion is seriously flawed for several reasons, which include the following:

(1) The cited section of the Lamkin provisional application does not teach the understanding of *"new content"* as discussed above with regard to the 1st element of the Applicant's Claim 1.

(2) The cited section of the Lamkin provisional application does not teach reviewing that content. It must be recognized that content is differentiated from a record of the content, because a content record according to the claim has not yet been created until the next element of the Applicant's Claim 1 is performed.

(3) The teaching of *"access and use of related content"* in the Lamkin provisional application does not equate with comparing *"existing content for which a record exists"* with this *"new content"* for which *"no record exists"* (as recited in the first element of the

Applicant's Claim 1) to determine if it is "*a duplicate or related to said new content*" as recited in the Applicant's claim.

The Examiner mentions that Lamkin "*discloses comparing of content on pages 8 of 99 and 94 of 99*". However, on those pages the Applicant merely finds a discussion of searching metadata fields of records within content databases to find content which matches the search criterion of the request. The Applicant finds no discussion whatsoever of actually comparing the content of new content - for which no record has yet been created - with existing content for which a record exists. Thus, Applicant asserts that the above section of Lamkin (page 5, 3rd paragraph) has no bearing on teaching the second element of Applicant Claim 1.

Furthermore, nothing is advanced by the Examiner in the rejection that the Lissar reference or its combination with Lamkin teaches the foregoing element of the Applicant's Claim 1. And, further, the Lamkin and Lissar references, whether considered separately or in combination with one another and what is known in the art, do not teach this element of Claim 1. The Examiner has clearly failed to establish *prima facie* obviousness.

Clearly, the Lamkin / Lissar combination does not meet the limitation "*reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content*" found in the Applicant's Claim 1. Accordingly, the rejection must be withdrawn.

C.   The Lamkin / Lissar Combination Does Not Teach "automatically completing fields …new content record"

In response to the Applicant's prior argument that Lamkin fails to teach this element of Claim 1, the Examiner asserts that "*one cannot show nonobviousness by*

attacking references individually where the rejections are based on combinations of references." That statement is absolutely not correct. A combination of references is only as good as the individual references that form the combination, and, if a reference in the combination is misinterpreted, misapplied and/or fails to teach what the Examiner purports the reference to teach, the combination fails and cannot be used to support the rejection.

The Examiner relies primarily on the Lissar reference as teaching this element of Claim 1, and the Applicant has fully addressed the Lissar reference in that regard. However, the Examiner also made numerous assertions regarding the purported teachings of Lamkin in support of the rejection. Because those assertions appeared to be clearly incorrect, the Applicant had to address those assertions in traversal of the rejection.

The Applicant respectfully reminds the Examiner that a *"combination"*, by its very appellation, involves taking teachings from one reference and adding them to the teachings of another reference or what is known in the art. Accordingly, it is necessary to discuss the individual references that are combined as well as the Examiner's assertions used to support the combination as grounds for rejection. In the instant application, the Examiner has made assertions as to what teachings are being relied on in each reference. Then, when the Applicant demonstrates that the cited references do not teach what the Examiner purports them to teach, the Examiner contravenes the requirements of the MPEP and claims that the Applicant is ignoring the combination.

In order to reject a claim based on obviousness, the Examiner is required to comply with the requirements of the MPEP, including the following provision:

> 2143.03 All Claim Limitations Must Be Taught or Suggested
>
> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d

> 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is
> nonobvious under 35 U.S.C. 103, then any claim depending therefrom is
> nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The MPEP requires that all claim limitations must be taught or suggested by the cited combination (and that the cited combination actually be prior art, unlike the situation here). It is certainly proper for the Applicant to traverse a rejection based on attacking individual references in a cited combination when those references are not prior art and/or do not teach what the Examiner purports them to teach.

In the Applicant's last response, the Applicant addressed the Examiner's incorrect statements about Lamkin teaching of "*comparing and completing of records*". The Applicant clearly demonstrated that the only way that the Examiner could support the rejection was to rely on the new matter introduced in the later-filed Lamkin reference - but, that reference is NOT PRIOR ART with regard to that new matter. And, further, the portions of the later-filed Lamkin reference relied upon by the Examiner do not even teach what the Examiner purports them to teach.

D.   The Lamkin / Lissar Combination Does Not Support the Rejection

Referring to the Applicant's prior response regarding <u>Lissar's</u> lack of teaching a number of elements of Claim 1, including "*automatically completing fields*", the Examiner again asserts that "*one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.*"

Again the Examiner is simply incorrect. If the required teachings are neither contained in reference A nor contained in reference B, then they certainly are not contained in A + B. The Applicant wonders then what the Applicant would be allowed to discuss if the purported teachings of the individual references combined by the Examiner considered to be off limits.

The Applicant clearly showed in its response to the previous Office Action that the Examiner misapplied the Lissar reference. The Applicant then showed how the "combination" of Lamkin and Lissar still failed to teach all of the elements of Claim 1

because Lamkin was also misapplied. Again, if Lissar doesn't teach a claim element and Lamkin doesn't teach that same claim element, the combination cannot provide what the individual references do not.

It is largely the teachings of the Lissar reference upon which the Examiner has relied to find a teaching of "*automatically completing fields*". However, the entirety of the Examiner's statement regarding the teachings of the Lissar reference are that "*Lissar does teach reading data of other fields during data entry of fields in a record to automatically provide suggestions for inputting data into other fields of the record (see col. 2, lines 57-67), which corresponds to the above-argued feature of automatically completing fields.*"

However, there is no discussion by the Examiner of (1) specifics from the Lissar reference which support this supposition, (2) how such teachings read on the numerous claim elements and interrelations of "*automatically completing fields*", or (3) how these teachings from Lissar would be combined with the Lamkin provisional application to yield the Applicant's claimed invention. Why? Because the Lissar / Lamkin combination does not support the rejection.

It is very clear that, from the approach taken, the Examiner attempts to distill down the entire language of the Applicant's claims into a few phrases taken out of context, such as "*new content*" and "*automatically completing fields*", without considering the other operable language of the claim which describes additional elements and interoperability which are part of the invention as recited in its claims. This piecemeal approach contravenes proper examination practice and the MPEP which requires that ALL portions of the claim be fully considered.

Indeed, as the Board of Patent Appeal and Interferences has confirmed, a proper obviousness determination requires that an Examiner make "**a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art**." See In re Wada and Murphy, Appeal 2007-3733, citing In re Ochiai, 71 F.3 d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). Further, the necessary presence of

all claim features is axiomatic, since the U.S. Supreme Court has long held that obviousness is a question of law based on underlying factual inquiries, including … ascertaining the differences between the claimed invention and the prior art. Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) (emphasis added).

Significantly, the only portion of Lissar that the Examiner could reference for purportedly teaching the Applicant's limitation of Claim 1 of "*automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices*" and other interoperable sections of the Applicant's Claim 1, is the language found at column 2, lines 57-67 of Lissar, duplicated below:

> *Another aspect of the present invention provides reading, during data entry of fields in a record (for example, a new record), data of other fields and/or records in a database to automatically provide suggestions for inputting data into (i.e., filling or completing) other fields of the record being entered or automatically filling the other fields of the record being entered. In particular, the present invention provides while entering data into a field of a record, to search the database for fields similar to or associated with the entered field to fill with data other fields of the record being entered, allowing automatic real-time intelligent data entry.*

Yet, the data entry process of Lissar - "*during data entry of fields in a record, … automatically provide data input suggestions*" - does not support the Examiner's rejection of the Applicant's Claim 1.

Specifically, the Applicant's Claim 1 recites in this regard: "*automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices;*" and "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*" and "*updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records.*"

It is evident that, in attempting to support the rejection, the Examiner has tried to subsume all of the Applicant's detailed language in this element of Claim 1 into a general concept of "*automatically completing fields*". Doing so is clear error on the part of the Examiner, since the Examiner has failed to take into consideration the full meaning of the phrase, including each word therein, as well as the context of the language in the claim as a whole. The Examiner has not even come close to showing that the cited Lamkin / Lissar combination meets this limitation of the Applicant's claim, and clearly has not established a *prima facie* case of obviousness. **The cited references themselves simply do not teach or suggest this element of the Applicant's claim and the rejection should be withdrawn**.

E.   Errors at Pages 3-8 of the Office Action

The later-filed (non-prior art) Lamkin published application no. 2006/0159109 is still being cited by Examiner in support of the rejection. Yet, the Examiner has not shown that the relied-upon language is entitled to the priority of Lamkin's provisional application no. 60/531,565. The Applicant herein has already established that the published (2006/0159109) Lamkin application (U.S. Serial No. 11/303,507) cited by the Examiner was filed on December 16, 2005, which is almost two years (21 months) after the Applicant's February 4, 2004 filing date. Therefore, Lamkin is not prior art unless the relied upon teachings of Lamkin are also found in Lamkin's earlier-filed provisional application no. 60/531,565. In actuality, however, the portions of the Lamkin published application relied upon by the Examiner represent new matter not contained in Lamkin's earlier-filed provisional application.

At pages 3-4 of the Office Action, the Examiner makes bare references to paragraphs [0005], [0006], [0072], [0132], [0069], [0073], [0104], [0118-0119], [0140], and [0151] in the non-prior art Lamkin published application filed on 12/16/2005. However, the Examiner fails to: (1) explain how the cited paragraphs supposedly teach the claim elements for which they are relied upon; and (2) show where those same

teachings can be found in the Lamkin provisional application 60/531,565 filed on (other than in the "Response to Arguments" section discussed above). In order to support a rejection for obviousness, the Examiner must make a full comparison of the claim language and the prior art. The mere reference to those paragraphs does not constitute such a comparison, and, further, does not establish that those paragraphs are not new matter in relation to Lamkin's provisional application.

Then, at page 5 of the Office Action, the Examiner provides some articulated reasoning with regard to selected portions of the Applicant's Claim 1. Specifically, the Examiner states that "*Lamkin does teach the identification of related/similar content and comparing that content with new content (see [0091] and [0104])*".

However, the Examiner has simply not met its burden of properly examining the Applicant's claim language. In its January 2008 decision entitled *In re* Wada and Murphy (*Ex parte* H. Garrett Wada, and Matthew B. Murphey, Appeal 2007-3733, Application 10/613,220, January 14, 2008), the BPAI reversed a § 103 rejection based on *In re* Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) because the Examiner did not explain where or how art cited by the Examiner taught or suggested all of the features of a claimed invention. Of particular interest is the following BPAI articulation of applicable law from *In re* Wada and Murphy:

> When determining whether a claim is obvious, an examiner must make "**a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art**." In re Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing In re Royka, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l v. Teleflex Inc., 127 S. Ct. 1727, 1741 (2007) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

In the instant application, the Examiner only makes conclusory references to portions of the cited Lamkin published application. In its discussion above, the Applicant has established that Lamkin is not prior art since the Examiner's references are new matter over Lamkin's provisional application. The Applicant has also established that the Lamkin provisional application does not teach what the Examiner purports it to teach. In addition, the Applicant has established that the entire basis of the Examiner's reasoning is the assertion of a 'gist' or 'thrust' of the claimed teachings without considering the specific text of the claims and the cooperation of the elements as recited in the Applicant's claims.

In support of the rejection, the Examiner also conjectures on the basis of the non-prior art Lamkin reference that "*Since there is a comparing and completing of records that need to be made, there is a need to have new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content.*" The Applicant respectfully submits that there is no support for the Examiner's unwarranted conclusion. Respectfully, the Applicant notes that the Examiner's conclusion does not logically follow the premise. In the discussion above, the Applicant has shown that Lamkin is directed to obtaining content for which records already exist, and does not address receiving the content from the user.

A careful reading of the Lamkin provisional application reveals that the provisional application is silent about "*comparing and completing records*" as the term is used by the Examiner. Lamkin searches for existing content, and Lamkin can then just copy the metadata fields from the existing content when the content is copied. The Lamkin provisional application does not teach "*reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content*" or "*based on information contained in the new content as well as information about the presence of duplicate or relation content*",

as recited in the Applicant's Claim 1. Obviously, it is an unwarranted generalization on the part of the Examiner to attempt to distill these elements of Claim 1 down to "*comparing and completing records*", and is antithetical to a full examination of the claims.

Furthermore, a "*comparison of records*" is not the same as filling out a new record from material contained in pre-existing records, and it should be appreciated that the data about the content typically accompanies the content of a new record, in particular regarding the movie content discussed by Lamkin. There is no teaching of a "*comparison of records*" that can be found in the Lamkin provisional application, and the Examiner's conclusion does not logically follow from the teachings of the Lamkin provisional application in any event.

And, EVEN IF the Lamkin published application no. 2006/0159109 could properly be treated as prior art, the cited reference still would not support the rejection. The Examiner refers to paragraph [0140] of Lamkin as teaching automatic completion of new records from the user, as duplicated below:

> *[0140] Similarly, in step 954, the process <u>determines whether the statuses of copies of the content are to be changed</u>. When the status is to be changed, step 956 is entered <u>where the status is changed to appropriate copies of the content</u>. In step 960 the process determines whether content has been changed or updated. When the content has been changed, step 962 is entered where it is determined whether to change or update copies on the network. When content on the network is to be updated or changed, step 964 is entered and appropriate content is updated or changed. This determination can include comparing the changed content to a base content or content on the network, identifying changes and implementing similar changes over the network.*

However, all that is taught by paragraph [0140] is that the status of different content can be changed. No specifics are provided about any means of "*automatically completing fields within said new content record*" or "*based on information contained in the specific content as well as information about the presence of duplicate or related content which is available across the multiple devices.*" according to the Applicant's Claim 1. But,

again, it must be stressed that paragraph [0140] represents new matter introduced in Lamkin after the Applicant's filing date.

And, Lissar does not teach this element of the Applicant's Claim 1 either. Therefore, the Examiner has not established a _prima facie_ case of obviousness.

In fact, the Examiner completely misinterprets and misapplies the Lissar reference in several respects.

The Examiner admits that the cited Lamkin published application does not teach each and every element of the Applicant's Claim 1. For example, the Examiner relies upon Lissar with regard to automatically completing fields within the new record from information contained in the specific content as well as information about the presence of duplicate or related content.

However, Lissar is not cited by the Examiner to supply what is absent in the Lamkin provisional application no. 60/531,565, as discussed in previous sections of this response. For example, nothing from the Lissar reference is relied upon by the Examiner as teaching "_receiving new content submitted by a user, for which no record exists, associated with a request submitted by the user_". This is also true with regard to several other elements of the Applicant's Claim 1. Therefore, the cited combination fails to render the Applicant's Claim 1 obvious.

Notwithstanding that the rejection should be withdrawn on the basis of the discussion above, the Applicant will now address what the Examiner considers is taught by the Lissar reference in relation to the cited combination. More specifically, the Examiner asserts that "_Lissar discloses automatically completing fields within the record (column 2, lines 57-67 and column 10, lines 14-28)._"

However, it will be seen that the Applicant's Claim 1 recites numerous cooperative elements which are not subsumed under the Examiner's generalization about "_automatically completing fields_". It will be appreciated that the Examiner cannot rewrite the Applicant's claims into the Examiner's version of a general concept or idea, and that the claims must be examined in their entirety. Therefore it is immaterial if a

contention can be made that portions of an invention utilize similar concepts; it is the embodiments recited in the claims that must be examined.

Before moving on to the specifics, it should be recognized that the Applicant's Claim 1 recites NUMEROUS cooperative elements regarding "*automatic completion*", which is why the Applicant recites the "*automatic completing fields*" in the manner above with a number of the necessary relationships also recited in the claims. It will be recognized that the Applicant is not seeking to patent all manners of invention which includes any form of "*record completion*", but specific embodiments recited in the claims. The Examiner, however, fails to consider the Applicant's claim as a whole and tries to consider piecemeal "concepts" and compare these against the cited references.

Moving on to the specifics of the Lissar reference, the Examiner asserts that Lissar teaches "*automatically completing fields*", which the Examiner's conceptual generalization of the Applicant claim, and the Examiner refers to portions of Lissar in support of the rejection. However, the Examiner does not discuss those portions of the Lissar reference or how they supposedly teach all the necessary elements relating to completing the fields as recited in the Applicant's claims. Again, the Examiner attempts to distill the Applicant's claim language down to a gist or thrust which is contrary to the MPEP and case law.

More particularly, the Examiner cites the following portions of the Lissar reference, found at column 3, lines 56-67:

> *Another aspect of the present invention provides <u>reading, during data entry of fields in a record (for example, a new record), data of other fields and/or records in a database to automatically provide suggestions for inputting data into (i.e., filling or completing) other fields of the record being entered or automatically filling the other fields of the record being entered</u>. In particular, the present invention provides **while entering data into a field of a record**, to search the database for **fields similar to or associated with the entered field** to fill with data other fields of the record being entered, allowing automatic real-time intelligent data entry.*

The Applicant fails to see how Lissar's comments on a text data entry procedure has any bearing on the automatic completion of the fields as recited in Applicant's Claim 1.

It will be noted that Lissar is discussing a process performed during manual data entry and involves looking for "*fields similar to or associated with the entered field*"; Lissar does not discuss "*completing fields within said new content record based on information contained in the new content*". The Examiner clearly misinterprets and misapplies these portions of Lissar and provides no basis for equating Lissar's teachings to the recitations of the Applicant's Claim 1.

Note also that the Applicant's Claim 1 recites "*automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices; wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content; and updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records.*" The above elements and interrelations are not taught by Lissar, nor are they taught by Lamkin, nor has the Examiner provided any basis for which the combination of Lissar and Lamkin would provide *prima facie* support for an obviousness rejection.

The Examiner also refers to column 10, lines 14-28 of Lissar which reads:

> "*The data entry process 500 pre-compares, during data entry of fields in a record, for example, by a user and/or a process, data of other fields and/or records in database 510 to automatically provide data input suggestions (i.e., filling or completing) for fields of the record being entered or automatically filling the fields of the record being entered. In particular, the data entry process 500, while entering data into a field of a record of the database 510, performs a pre-comparing process by searching the database 510 for **fields** similar to or associated with the entered field. Based upon the pre-comparing process, the data entry process 500 can either fill other fields of the current active record being entered with the similar data and/or offer the similar data as a starting point to fill the other fields of the current active record being entered.*"

However, the above language describes a "*data entry process*" and does not relate to "*receiving new content for which no record exists, associated with a request submitted by a user.*" Note that, in performing this data entry process of Lissar, the record is already created and the data entry person is filling in the fields of the record. In contrast, the Applicant's Claim 1 recites "*new content without an existing record is compared with existing content having a corresponding record.*" Lissar does not teach that elements of the Applicant's Claim 1 but, instead, teaches a mechanism for filling a field within a record. In addition, Lissar speaks of checking "*fields*" from other records. It is clear that Lissar does not teach what it is being relied upon to teach.

The Applicant's Claim 1 recites that the "*new content without an existing record is compared with existing content having a corresponding record*", so it is the content portion being compared and not the fields within a record associated with a piece of content as in Lissar. The Lissar reference points to the record itself as the content, however, which does not meet the limitations of the Applicant's Claim 1.

In addition, there is nothing in the Lamkin / Lissar combination that teaches using information from related content which is "*available across the multiple devices*", as recited in the Applicant's Claim 1.

Furthermore, there is nothing in the Lamkin / Lissar combination that teaches "*updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize all the content records*" as recited in the Applicant's Claim 1.

Consequently, the Lamkin / Lissar combination does not teach or suggest all of elements of the Applicant's Claim 1 and the Examiner has not established *prima facie* obviousness. As provided in the following section of the MPEP,

> 2143.03 All Claim Limitations Must Be Taught or Suggested
> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is

nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

a rejection is not proper if all of the elements of the claim are not taught or suggested.

And, not only are the claim limitations NOT met by the Lamkin / Lissar combination, the Applicant's Claim 1 includes interoperation (cooperation) of claim elements that are not met by the Lamkin / Lissar combination. To support obviousness *"there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"* as stated in the recent KSR requirements, while this requirement cautions that *"rejections on obviousness cannot be sustained by mere conclusory statements."* However, the Examiner maintains the rejection on the basis of concepts and not the specific limitations recited in the Applicant's claims, which is contrary to the following provisions of the MPEP:

MPEP 2143.01

"VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE
If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

As has been discussed already, Lamkin is directed for allowing the user to search and find media content, which differs from the process of receiving the new content submitted by a user as found in the Applicant's Claim 1 and others. While Lissar teaches filling out forms during data entry and is not directed to similar aspects as Lamkin.

Also, As provided in MPEP § 2142, the Supreme Court in KSR International Co. v. Teleflex Inc. 82 USPQ2d 1385, 1396 (2007) specified that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *"[R]ejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of*

obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Furthermore, the Examiner must make *"explicit"* this rationale of *"the apparent reason to combine the known elements in the fashion claimed,"* including a detailed explanation of *"the effects or demands known to the design community or present in the marketplace"* and *"the background knowledge possessed by a person having ordinary skill in the art"* (KSR, page 14).

In the instant case, the Examiner provides no support for why one would receive an element of new content submitted from the user when attempting to search for content within the database for the user. In addition, the references are silent on creating a new content record and comparing the new content with duplicate or related content for which a record exists across multiple devices and completing the new content record based on that information. Lissar is directed at different objects, specifically data entry, wherein fields in an already created record are being filled in by a data entry person who is given a choice of field entries or can change what has been automatically filled based on values for that field in other records; and not on the new content itself. The value of receiving and comparing the new content is only recognized in the context of the instant application and the claims directed thereto. Merely asserting that a benefit of the modification exists, as done in the rejection, does not provide the *"articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness,"* required under KSR. By definition, every patentable invention must be *"beneficial"* – and arguendo every invention contemplates at least some new benefit(s) in arriving at the invention - certainly this does not render the benefit obvious or expected. No supporting documentation has been advanced to support the rationale.

Because every modification or element has a corresponding use or benefit, the above reasoning could be applied to any improvement. It appears therefore that *"hindsight construction"* may have played a leading role in arriving at the present ground for rejection in the Office Action - which though difficult perhaps to avoid in many cases,

is nonetheless impermissible in making a prima facie showing of obviousness.

According to MPEP §2142, "*the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*"

Therefore, the Applicant respectfully submits that Lamkin and Lissar, considered either separately or in combination with one another and what is known in the art, does not teach or suggest all of the elements of the Applicant's Claim 1. Accordingly, the Applicant respectfully requests the that the rejection of Claim 1, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

(b) <u>Claims 10, 17 and 24-28</u>. Claims 10, 17 and 24-28 are independent claims, and contain recitations similar to those in Claim 1 discussed above. The Applicant incorporates by reference its discussion above as also being applicable to Claims 10, 17 and 24-28, and requests that those claims be allowed for the same reasons that Claim 1 is allowable.

In addition, Claims 10, 17 and 24-28 contain limitations that the Examiner did not even address in the Office Action. Those limitations provide an additional basis for patentability of those claims.

The Applicant draws attention, for example, to independent Claim 10, which is a system claim written in a means-plus-function format (for which Donaldson issues arise with respect to the examination discussed in a later section). Claim 10 recites "*means for receiving a request from a user to create a new content record for new content received from the user*". The Lamkin / Lissar combination does not teach this claim element.

Consider also independent Claim 17, which is directed to "*a system for tracking and synchronizing content across multiple devices, including a plurality of client devices and a server*". This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 17 also recites operations within an interface module which receives "*a request submitted by a user specifying new content submitted by the user.*" This element is not taught by the Lamkin / Lissar combination. Claim 17 also recites "*said interface module is configured for communicating over a network between one or more client devices and a server device*", for which no support has been provided in the rejection. Claim 17 also recites "*said review module configured for selectively transmitting a confirmation for the request based on the analysis and the presence of duplicate or related content and the preference for determining whether the request is performed*", for which nothing is provided in support of the rejection. Neither of those elements are taught by the Lamkin / Lissar combination..

Independent Claim 24 recites "*A computer-readable medium having computer executable instructions for performing a tracking and synchronization method across multiple devices, including a plurality of client devices and a server.*" This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 24 also recites additional limitations not found in the Lamkin / Lissar combination. For example, Claim 24 recites "*performing the request and creating a new content record corresponding to said new content.*", a rejection for which no support is provided. Claim 24 also recites "*automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content*". The Lamkin / Lissar combination does not teach either of those elements.

Independent Claim 25 recites a system for synchronizing and tracking content across multiple devices, including a plurality of client devices and a server. This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 25 also recites additional limitations that are not met by the Lamkin / Lissar combination. For example, Claim 25 recites that "*said content record having information fields for accessing duplicate content and/or related content*", which is not addressed in the rejection, nor for which teachings are advanced from the relied-upon references. Claim 25 also recites "*analyzing the new content to find duplicate or related content that is available on devices connected to the network*", which again is not addressed in the rejection. Further, Claim 25 recites "*transmitting a confirmation for the request when duplicate or related content is available*" and also recites "*receiving instruction from the user in responding to said confirmation*". None of these elements are taught by the Lamkin / Lissar combination.

Independent Claim 26 recites a "*system for synchronizing and tracking content across multiple devices, including a plurality of client devices and a server*". This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 26 also recites additional limitations that are not taught by the Lamkin / Lissar combination. For example, Claim 26 recites "*storing a preference setting for one or more types of requests*", "*transmitting a confirmation for the request based on the preference setting*", and "*receiving instruction from the preference setting, and/or from the user in responding to said confirmation, as to how to execute said request*". This element is not taught by the Lamkin / Lissar combination.

Independent Claim 27 recites a client apparatus in a client-server configuration having similar additional limitations as Claim 26, and amended to recite the content

analyzing as "*analyzing an image in the new content*". This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 27 also recites a number of limitations not taught by the Lamkin / Lissar combination, such as "*analyzing an image in the new content to find images of duplicate or related content in the existing content that is available on servers and/or client devices connected to the network*".

Independent Claim 28 recites a client apparatus in a client-server configuration having similar additional limitations as Claim 26, and amended to recite the content analyzing as "*analyzing an image in the new content*". This claim is patentable over the Lamkin / Lissar combination for the reason that the claim recites how new content is handled by the system in a manner similar to that recited in the Applicant's Claim 1, which has been previously discussed. However, Claim 28 also recites a number of limitations not taught by the Lamkin / Lissar combination such as "*analyzing the new content to find duplicate or related content that is retained on client devices connected to the network*", "*automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content*", "*transmitting a confirmation for the request when duplicate or related content is available*", "*receiving instruction from the user in responding to said confirmation*", and "*executing the request based on said instruction*".

Each of the foregoing independent claims should have been considered by the Examiner solely on its own merits, with a searching comparison being made between each element of these claims and the cited references. However, the Examiner failed to do so and, if the Examiner had examined those claims, they would have been found to be patentable over the Lamkin / Lissar combination.

Therefore, the Applicant respectfully submits that Lamkin and Lissar, considered either separately or in combination with one another and what is

known in the art, does not teach or suggest all of the elements of the Applicant's Claims 10, 17, and 24-28. Accordingly, the Applicant respectfully requests that the rejection of Claims 10, 17, and 24-28, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

(c) <u>Claim 18</u>. Claim 18 depends from independent Claim 17, and is allowable for at least the reasons that Claim 17 is allowable. Furthermore, Claim 18 also recites: "*a capture module configured to identify content in response to comparing an image of the new content with images contained in the existing content.*" That element is not taught by the Lamkin / Lissar combination.

Therefore, the Applicant respectfully submits that Lamkin and Lissar, considered either separately or in combination with one another and what is known in the art, does not teach or suggest all of the elements of the Applicant's Claim 18. Accordingly, the Applicant respectfully requests the that the rejection of Claim 18, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

(d) <u>Claims 2-9 and 19-23</u>. Claims 2-9 and 19-23 depend from independent parent claims whose patentability has been demonstrated above. Therefore, those claims are allowable for at least the reasons that their parent claims are allowable.

In addition, the Examiner has failed to show where the elements recited in those claims can be found in the Lamkin / Lissar combination. The only "support" for the rejection asserted by Examiner is from the non-prior art Lamkin reference; the Examiner has not shown that the limitations of those claims are taught by Lamkin's provisional application.

Additionally, the Examiner provides no searching comparison of these claims with the cited references, and in fact only references paragraph and line numbers from Lamkin which do not support the rejection.

Furthermore, a number of these claims recite elements having additional patentable distinctions over the cited references, which appear rejected solely on the basis of undue generalizations of claim elements with regard to a view of the cited Lamkin reference.

Therefore, the Applicant respectfully submits that Lamkin and Lissar, considered either separately or in combination with one another and what is known in the art, does not teach or suggest all of the elements of the Applicant's Claims 2-9 and 19-23. Accordingly, the Applicant respectfully requests the that the rejection of Claims 2-9 and 19-23, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

2.   Traversal of Rejection of Claim 10; In re Donaldson.

The Applicant respectfully traverses the grounds for rejection, and cites *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994)(en banc) as the basis for the traversal. Claim 10 which is written in means plus function form pursuant to 35 U.S.C. §112, sixth paragraph, and therefore, must be interpreted during examination under *In re Donaldson*.

In rejecting Claim 10 the Examiner made no specific fact findings as to the scope of equivalents for the means plus function elements in the claims. Instead, the Examiner appears to have followed the provisions of MPEP § 2183 ("Making a Prima Facie Case of Equivalence"), which states:

> If the examiner finds that a prior art element performs the function specified in the claim, and is not excluded by any explicit definition provided in the specification for an equivalent, the examiner should infer from that finding that the prior art element is an equivalent, and should then conclude that the claimed limitation is

anticipated by the prior art element. The burden then shifts to applicant to show that the element shown in the prior art is not an equivalent of the structure ... disclosed in the application. *In re Mulder*, 716 F.2d 1542, 219 U.S.P.Q. 189 (Fed. Cir. 1983). No further analysis of equivalents is required of the examiner until applicant disagrees with the examiner's conclusion, and provides reasons why the prior art element should not be considered an equivalent.

While the Examiner appears to have followed the provisions of MPEP §2183, such provisions are contrary to Federal Circuit law. The Federal Circuit has held that an examiner "construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure ... described therein, and equivalents thereof," *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994)(en banc), and in so ruling expressly denied that "the PTO is exempt from this mandate." Id. The Federal Circuit added that it was specifically overruling any precedent that suggested or held to the contrary. Id. at 1193-94. In response to the PTO's argument that the court's ruling conflicted with the principle that a claim should be given its broadest reasonable interpretation during prosecution, the Federal Circuit held that the Donaldson decision was setting "a limit on how broadly the PTO may construe means-plus-function language under the rubric of 'reasonable interpretation.'" Id. at 1194. In other words, an examiner's claim interpretation is not "reasonable" if it is not based on the specification's description of the implementation of the means element of the claim. The court then said, "Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such [means-plus-function] language when rendering a patentability determination. " Id. at 1195.

Here, as in *Donaldson*, the Examiner is required by statute to look to the Applicant's specification and construe the "means" language as referring to corresponding means disclosed in the specification and equivalents thereof." See id. at 1195. However, the Examiner did not construe the means language of these claims, however. Nor did the Examiner find, on the basis of specific facts of record here, that the means disclosed in the Applicant's specification were equivalent to that of the cited

references. Instead, as prescribed by MPEP §§ 2183-84, the Examiner simply
presumed equivalence. The presumption methodology used here, which the MPEP
prescribes, clearly conflicts with the requirements of the Federal Circuit's Donaldson
decision. The approach taken by the Examiner in this case also conflicts with *In re
Bond*, 931 F.2d 831 (Fed. Cir. 1990).

The very point of these cases is that, in this context, limitations from the
specification control the interpretation of the claim. Under §112, paragraph 6, a
means-plus-function element of a claim must be construed to mean that which is
disclosed in the specification and its equivalents. In *Donaldson*, the Federal Circuit said
that "our holding does not conflict with the general claim construction principle that
limitations found only in the specification of a patent or patent application should not be
imported or read into a claim." In other words, the court was saying that a §112,
paragraph 6 "means" element does not need to be "imported or read into" a
means-plus-function claim because the specification's limitations and their equivalents
are already in the claim by virtue of §112, paragraph 6's command. Thus, the Federal
Circuit said (16 F.3d at 1195): "What we are dealing with in this case is the construction
of a limitation already in the claim in the form of a means-plus-function clause and a
statutory mandate on how that clause must be construed."

Based on the foregoing, the Applicant respectfully submits that the rejection of
Claim 10 lacks proper foundation and that the rejection should be withdrawn. Claim 10
which includes means plus function limitations, should have been interpreted in view of
the specification as required by *In re Donaldson*. If that claim had been so interpreted, it
would have been allowable since the cited references do not, singly or in combination,
teach, suggest or provide motivation or incentive for the subject matter recited in those
claims.

3.   Conclusion.

Based on the foregoing, the Applicant respectfully requests that the various grounds for rejection in the Office Action be withdrawn and that a Notice of Allowance be issued for Claims 1-10 and 17-28.

In the event any further matters remain at issue with respect to the present application, the Applicant respectfully requests that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

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Respectfully submitted,

/Rodger H. Rast/

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